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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
JOO, JOSHUA	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/935,253	FRIEL ET AL.	
	Examiner	Art Unit	
	Joshua Joo	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-10 and 12-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-10 and 12-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. Claims 1-3, 5-10, 12-28 are presented for examination.

2. Claims 1-3, 5-10, 12-28 are rejected.

Information Disclosure Statement

3. The information disclosure statement filed 03/14/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

4. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 21, in the line "the processor is arranged to determine said packet network address," is the applicant referring to the "said packet network address" as the network address of the outbound gateway?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 5, 6, 10, 12, 13, 22, 23, 25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien, Jr, US Publication #2003/0031165 and in view of Donovan, US Patent #6,480,588.

7. As per claims 1, 22,and 28, O'Brien teaches an invention for a VOIP network where the gatekeeper and server provide routing from an inbound gateway to an outbound gateway based on the H.323 standard. The invention has the necessary software and hardware to perform the tasks (Paragraph 0065, 0074). O'Brien's invention comprises of:

i) sending a request from an originating gateway connected to the originating terminal to the gatekeeper, said request comprising the identifier of the destination terminal (Paragraph 0023, Information regarding user is send to the inbound gatekeeper. The telephone number the user calls routes the call);

ii) receiving a reply at the originating gateway from the gatekeeper said reply comprising the information at least one and possibly more of the gateways which can be contacted to reach the destination terminal (Paragraph 0025, Once the H.323 server and the outbound gatekeeper establish signaling, the server through gatekeeper provides inbound gateway with one of a collection of outbound gateways.);

8. O'Brien does not specifically teach the that reply comprises of the packet network address of the gateway.

9. Donovan teaches an invention for providing telephony service via the Internet Protocol System, where an originating gatekeeper responds to the originating gateway by providing the destination gateway's IP address information (Col 2, lines 43-51).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Brien and Donovan because both inventions deal with providing Voice Over Internet Protocol where the connections are established by inbound, outbound gateways, and inbound, outbound gatekeepers. The teachings of Donovan for the gatekeeper's response to contain the IP address of the destination gateway allows for the inbound gateway to establish a connection with the outbound gateway.

11. As per claim 5, O'Brien teaches a method as claimed in claim 1 wherein said reply is provided by the gatekeeper on the basis of the destination terminal identifier (Paragraph 0023, 0025, 0047. The response is based on the destination terminal identifier.).

12. As per claims 6 and 23, O'Brien teaches a invention, wherein said request further comprises the packet network address of the originating gateway (Paragraph 0023, 0025; 0048: The server and the inbound gatekeeper can communicate with the inbound gateway. It is inherent that the gateway has an address for the gatekeeper to respond to the gateway.).

13. As per claim 10, O'Brien teaches the method as claimed in claim 1 wherein the identifiers are of a type selected from telephone numbers, universal resource identifiers (URLs), email addresses or any other suitable type of H.323 standard alias (Paragraph 0022).

14. As per claim 12, O'Brien teaches a method as claimed in claim 1 wherein the request is an H.323 admission request. (Paragraph 0004-0005, 0023. Network is H.323 protocol. Gateway sends user information to gatekeeper.)

15. As per claim 13, a method as claimed in claim 1 wherein the reply is an H.323 admission confirm message (Paragraph 0004-0005, 0025. Network is H.323 protocol. Gatekeeper responds to gateway with routing information.).

16. As per claim 25, O'Brien teaches an invention where a communications network comprises of a gateway as claimed in claim 22 (Paragraph 0023).

17. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien and Donovan and in view of Dorenbosch, US Patent #5,959,546.

18. As per claim 2, O'Brien does not teach a method in claim 1 wherein said communications network comprises a first zone and a second zone each comprising a plurality of terminals connected to a plurality of gateways and wherein a plurality of terminal identifiers of the first zone are also used for terminals of the second zone.

19. Dorenbosch teaches an invention for receivers having the same address where two pagers in two separate areas have the same address (Fig.4, Col 2, lines 25-32).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'Brien's invention with Dorenbosch's invention for terminals to have a common address because it will improve the capability of O'Brien's invention by providing simultaneous transfer of media information to multiple locations of the same identification.

21. As per claim 8, O'Brien does not teach a method as claimed in claim 2 wherein if the destination terminal identifier occurs in both zones, the reply received specifies that a gateway in the originating zone should be contacted.

22. Dorenbosch teaches that when the receiver is within two regions, the home input terminal is notified (Col 4, lines 3-6).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'Brien's invention with Dorenbosch's invention to send a respond if a terminal occurs in both zones because it improves the reliability of O'Brien's invention by sending the information to the correct destination and to maintain the location of each terminal.

24. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien, Donovan, and Dorenbosch and in view of Haga, US Patent #6,366,576.

25. As per claim 3, O'Brien does not teach a method as claimed in 1 wherein said reply comprises information about only one gateway, which is in the same zone as the originating terminal.

26. Haga teaches an invention for routing calls from a terminal though gateways, where the gatekeeper will locate a gateway that is within the intranet of the caller (Col 4, lines 9-11.).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Brien and Haga to have gateway within the same zone as the originating terminal because it would improve O'Brien's invention by providing a more efficient method of routing and it would reduce the cost of communication for the users.

28. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien, Donovan, and Dorenbosch, and in view of Tomoike, US Patent #5,940,512.

29. As per claim 9, O'Brien does not teach a method as claimed in claim 2 wherein the first zone is associated with a first enterprise and a second zone is associated with a second enterprise.

30. Tomoike mentions in the "Background of the Invention" that a plurality of service providers offer services to different regions or areas (Col 1, line 12-14).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made for O'Brien's invention to have different services associated with different zones because it improves the capability of O'Brien's invention by being able to provide different service in regions where one service may lower in quality as to another and where one service might provide a cheaper cost.

32. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien and Donovan and in view of Sorrentino, US Publication #2002/0064151.

33. As per claim 7, O'Brien does not teach a method as claimed in claim 6 wherein said reply is provided by the gatekeeper on the basis of the unique label of the originating gateway as well as the destination terminal identifier.

34. Sorrentino teaches an invention for generating a routing table for routing traffic based on the incoming PSTN call and the originating gateway (Paragraph 0048, 0053).

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Brien, Haga, and Sorrentino to base the routing on the destination terminal and of the originating gateway because it will improve the efficiency of O'Brien's by providing routing that would reduce network traffic and cost since it considers the originating and terminating locations.

36. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien and Donovan, and in view of Mussman et al, US Publication #2002/0159440 (Mussman hereinafter).

37. As per claim 14, O'Brien does not teach the method as claimed in claim 1 wherein each gateway is unaware of which terminals are connected to other gateways in the communications network.

38. Mussman teaches an invention for call screening based on the H.323 standard where the gatekeeper manages endpoints and provides zone managements for terminals and gateways. Gateways may not know where the terminals are located, and requests the gatekeeper for routing (Paragraph 0025, 0037).

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions of O'Brien and Mussman for the gateway to be unaware of which terminals are connected to other gateways. By having the gatekeeper maintain and manage the terminals in the zone, it increases the efficiency of O'Brien's invention because the gatekeeper can provide the best routing by considering factors such as location, cost, and traffic.

40. Claims 15-16, 18-21, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien and Donovan, and in view of Ng et al, US Patent #6,791,970 (Ng hereinafter).

41. As per claim 15, O'Brien does not teach a method as claimed in claim 1 wherein said gatekeeper further comprises information about which terminals are accessible from each gateway together with cost information associated with accessing those terminals from each gateway.

42. Ng teaches an invention for determining the lowest cost gateway provider, where the gatekeeper has a gateway provider database that maintains a list of gateways and their destination telephones, which includes the rates of the gateways (Col 3, lines 10-22).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Brien and Ng for O'Brien's invention to maintain a list of the cost information with accessing the terminals through each gateway because it improves the capability of O'Brien's invention by allowing the gatekeeper to determine the most cost effective method routing.

44. As per claim 16, O'Brien does not teach a method as claimed in claim 15 wherein said reply comprises information about each gateway that can be used to access the destination terminal together with associated cost information.

45. Ng teaches an invention for determining the lowest cost gateway provider, where the gatekeeper replies with selected gateway providers with the associated costs (Col 3, lines 10-12 and Col 4, lines 9-13).

46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O"Brien and Ng for the O'Brien's invention to provide the associated cost of accessing the gateway because it would improve the functionality of O'Brien's invention by providing the user the flexibility and option to select the gateway that meets the user's financial standards.

47. As per claims 18 and 27, O'Brien teaches an invention for a VOIP network where the gatekeeper and server provide routing from an inbound gateway and to an outbound gateway based on the H.323 standard. The invention has the necessary software and hardware to perform the tasks (Paragraph 0065, 0074). O'Brien's invention comprises of:

i) an input arranged to receive a request from a gateway in the communications network, said request comprising an identifier of a destination terminal, (Paragraph 0023, Information regarding user is send to the inbound gatekeeper. The telephone number the user calls routes the call.);

ii) in response to requests received from gateways in the communication network, said requests comprising an identifier of a destination terminal (Paragraph 0023. Gatekeeper receives request from gateway, where the request comprises of the telephone number.);

iii) an output arranged to send a reply to the originating gateway, said reply comprising information about at least one and possibly more gateways which can be contacted to reach the destination terminal (Paragraph 0025, Once the H.323 server and outbound establish signaling, the server provides the called inbound gateway with one of a collection of outbound gateways.).

48. O'Brien does not teach of a data store arranged to store information about each gateway in the communications network, said information comprising the identifier of each terminal connected to that gateway and the packet network address of that gateway, or a processor arranged to determine the product network address of at least one and possibly more gateways which can be contacted to reach the destination terminal;

49. Ng teaches an invention for determining the lowest cost gateway provider, where the gatekeeper has a gateway provider database where the database keeps track of gateways and the destination PSTN telephones associated with the gateways. The gatekeeper can determine which of the gateways provide the lowest cost to reach the destination terminal, where the gatekeeper can establish a communication link with the destination gateway (Col 3, lines 10-20, 55-65; Col 4, lines 35-38).

50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Brien and Ng because both inventions deal with using the Internet to route telephone calls. The teachings of Ng to store information about the gateways and their associated terminals, and the address of the destination gateways would improve the capability of O'Brien's invention by allowing the gatekeeper to properly manage all the gateways and terminals within its zone, and its allows the gatekeeper to select the lowest cost connection. Furthermore, the teachings of Ng for the gatekeeper to determine the address of the gateways allow the gatekeeper to establish a communication link with the gateway.

51. O'Brien does not specifically teach that the reply comprises of the packet network address of the gateway.

52. Donovan teaches an invention for providing telephony service via the Internet Protocol System, where an originating gatekeeper responds to the originating gateway by providing the destination gateway's IP address information (Col 2, lines 43-51).

53. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Brien and Donovan because both inventions deal with providing Voice Over Internet Protocol where the connections are established by inbound, outbound gateways and inbound, outbound gatekeepers. The teachings of Donovan for the gatekeeper's response to the inbound gateway to contain the IP address of the destination gateway allows for the inbound gateway to establish a connection with the outbound gateway.

54. As per claim 19, O'Brien does not teach a gatekeeper as claimed in claim 18 wherein said memory is further arranged to store cost information relating to the cost of accessing each available terminal from each gateway.

55. Ng teaches an invention for determining the lowest cost gateway provider, where the gatekeeper has a gateway provider database where the database keeps track of gateways and their destination telephones, which includes the rates of the gateways (Col 3, lines 10-22).

56. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Brien and Ng because both inventions deal with using the Internet to route telephone calls. The teachings of Ng to maintain a list of the cost information with accessing the terminals through each gateway because it improves the capability of O'Brien's invention by allowing the gatekeeper to determine the most cost effective method of routing.

57. As per claim 20, O'Brien does not teach of a gatekeeper as claimed in claim 18 wherein the processor is arranged to determine the packet network address on the basis of said destination terminal identifier.

58. Ng teaches of determining the packet network address on the basis of said destination terminal identifier (Col 4, lines 36-41).

59. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Brien and Ng because both inventions deal with using the Internet to route telephone calls. The teachings of Ng to determine the packet network address on the basis of said destination identifier allows the gatekeeper to establish a connection between the end terminal and the gateway. Furthermore, it allows the gatekeeper to determine the lowest cost gateway.

60. As per claim 21, O'Brien teaches a gatekeeper as claimed in claim 19, wherein said request further comprises the packet network address of the originating gateway connected to the originating terminal, and the processor is arranged to determine said packet network address on the basis of the packet network address of the originating gateway as well as the destination terminal identifier (Paragraph 0025, 0044-0048. It is inherent that the gateway provides the gatekeeper with an address for the gatekeeper to respond to the gateway. The gatekeeper determines the packet network address on the basis on the address of the originating gateway and the destination terminal identifier.).

61. As per claim 24, O'Brien does not teach of a gateway as claimed in 22 wherein said reply comprises cost information.

62. Ng teaches an invention for determining the lowest cost gateway provider, where the gatekeeper replies with selected gateway providers with the associated costs (Col 3, lines 10-12 and Col 4, lines 9-13).

63. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O"Brien and Ng for the O'Brien's invention to provide the associated cost of accessing the gateway because it would improve the functionality of O'Brien's invention by providing the user the flexibility and option to select the gateway that meets the user's financial standards.

64. As per claim 26, O'Brien teaches a communications network comprising a gatekeeper as claimed in claim 18 (Paragraph 23).

65. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien, Donovan, and Ng, and in view of Thompson III et al, US Publication #2002/0154751 (Thompson hereinafter).

66. As per claim 17, O'Brien does not teach a method as claim 16 wherein said reply comprises a list of said gateways in order of the associated costs.

67. Thompson teaches an invention for wireless account management system, where the cost of each plan is listed and ranked according to cost (Paragraph 67).

68. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'Brien's invention with Thompson's invention to put the list in the order of the costs because it would improve the user-friendliness of O'Brien's invention because providing

the list in an order would make it easier for the user to compare the costs of routing through each gateway.

Response to Arguments

69. Applicant's arguments with respect to claims 1-3, 5-10, 12-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

70. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

71. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966 and fax number is 571 273-3966. The examiner can normally be reached on Monday to Thursday 8 to 5:30.

72. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571 272-3964.

73. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 7, 2005
JJ.